

Appl. No. 10/605,427
Amtd. dated February 1, 2005
Reply to Office action of January 5, 2005

REMARKS

The examiner has indicated that the applicant is required under 35 U.S.C. 121 to elect a single disclosed species for 5 prosecution on the merits from the following species of the claimed invention:

- Species I (figure 5)
Species II (figures 6, 7)
10 Species III (figures 10, 11)

Response:

The applicant hereby makes a provisional election of Species 15 II (figures 6, 7) for prosecution on the merits in response to the above election requirement. The claims readable on the elected Species II are claims 1-13. Accordingly, Claims 14-22 are withdrawn without prejudice or disclaimer to the subject matter thereof.

20 However, applicant asserts that the different species shown in Figure 5, Figures 6 and 7, and Figures 10, 11 do not constitute distinct inventions; and respectfully requests Examiner to withdraw the restriction requirement. If applicant successfully 25 traverses the election requirement, applicant further requests Examiner to rejoin withdrawn claims 14-22 for consideration.

Concerning Species I (figure 5) with respect to Species II (figures 6, 7), applicant asserts Species I is simply another 30 embodiment of Species II because both species meet all the

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limitations as claimed in Claim 1. In Fig.5, as described in paragraph [0030], "the amplifier 60 includes two resistive negative feedback circuits, a high gain resistive negative feedback circuit 67 and a low gain resistive negative feedback circuit 69" being connect to the input port 62 and the gain circuit 64. Similarly, in Fig.6, as described in paragraph [0031], the amplifier 80 includes "a high gain resistive negative feedback circuit 87 (including a resistor Rf1' and a capacitor Cf1'), and 10 a low gain resistive negative feedback circuit 89" being connect to the input port 82 and the gain circuit 84. Applicant therefore asserts that Claim 1 of the present invention is generic between species I and II, and that species I and II are simply different embodiments of the same invention because both the amplifiers 15 60, 80 shown in Fig.5 and Fig.6 meet all the limitations as stated in Claim 1. In particular, both amplifiers 60, 80 comprise "a plurality of resistive negative feedback circuits electrically connected to the input port and the gain circuit for keeping the input impedance of the amplifier substantially fixed in various 20 gain modes", as stated in Claim 1. The differences between Species I and Species II are that only Species II has the switch devices 83, 85. However, the presence of "at least a switch device" is claimed in claim 3, which is dependent to claim 1.

25 Concerning Species III (figures 10, 11) with respect to Species II (figures 6, 7), applicant asserts that the differential amplifier 100 of Species III is an obvious variant of the amplifier 80 of Species II. It is well known to a person skilled in the art that a differential amplifier can be 30 implemented by merging two single ended amplifiers, wherein one

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of the two amplifiers is a treated as a positive amplifier circuit while the other as a negative amplifier circuit. As stated in paragraph [0038], "the differential amplifier of the present 5 invention can be implemented by merging two amplifiers shown in Fig.5 to Fig.7, and wherein one of the two amplifiers is treated as a positive amplifier circuit while the other as a negative amplifier circuit." This is shown in Fig.11 where the positive amplifier circuit 100P has the same structure and operation as 10 the amplifier circuit 80 shown in Fig.6. Additionally, as stated in paragraph [0038], "the negative amplifier circuit 100N operates the same as the positive amplifier circuit 100P does." Therefore, applicants asserts that Species III is not patentably 15 distinct from Species II and that Species II and Species III are instead obvious variants of the same invention.

For at least the above reasons, applicant asserts that the different species shown in Figure 5, Figures 6 and 7, and Figures 10, 11 do not constitute distinct inventions requiring election. 20 Applicant therefore respectfully requests Examiner to withdraw the restriction requirement. As previously mentioned, if applicant successfully traverses the election requirement, applicant further requests Examiner to rejoin withdrawn claims 14-22 for consideration.

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Sincerely yours,

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